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Attorneys for Defendants

Boy Scouts of America and Trapper Trails Council, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

THE ESTATE OF EDGAR RIECKE; SARAH
EARLY, individually and as an heir of Edgar
Riecke; KATIE RIECKE, individually and as an
heir of Edgar Riecke; and JEFF RIECKE,
individually and as an heir of Edgar Riecke,

Plaintiffs,

vs.

BOY SCOUTS OF AMERICA; a Texas non-profit
corporation; TRAPPER TRAILS COUNCIL, BOY
SCOUTS OF AMERICA; a Utah non-profit
corporation; THE CHURCH OF JESUS CHRIST
OF LATTER DAY SAINTS, a Utah nonprofit
corporation; LOGAN MACKAY, individually and
in a representative capacity, DAVID MICHELSON,
individually and in a representative capacity, by and
through his parents SCOTT MICHELSON and
ANTONIA MICHELSON; MARC ANDERSON,
individually and in a representative capacity; GREG
DAY, individually and in a representative capacity;
MATT DAY, individually and in a representative
capacity; BRAD EWELL, individually and in a
representative capacity; and CLARK MARTIN,
individually and in a representative capacity,

Defendants.

**DEFENDANT BOY SCOUTS OF AMERICA'S
ANSWER TO DAVID MICHELSON'S
CROSSCLAIM**

Civil No. 2:16-01044

Judge Jill N. Parrish

Defendant and Cross Claim Defendant Boy Scouts of America (“BSA”), by and through counsel, respond as follows to Defendant/Cross Claimant David Michelson’s (“Michelson”) Cross Claim:

1. BSA incorporates herein its responses to the allegations contained in BSA’s Answer to Plaintiff’s First Amended Complaint.

2. BSA objects to Michelson’s purported incorporation of “the assertions, responses and defenses contained in defendant’s Answer to the First Amended Complaint,” to the extent Michelson is attempting to assert a cross claim based on said unspecified “assertions, responses and defenses.” Fed.R.Civ.P. 8(a) requires that a pleading that states a claim for relief must contain short and plain statements of, among other things, the claim showing that the pleader is entitled to relief. Michelson’s attempt to incorporate “assertions, responses and defenses” contained in Michelson’s Answer does not meet this requirement. To the extent BSA is required to respond to paragraph 2 of Michelson’s Cross Claim, BSA denies any “assertions, responses and defenses” contrary to BSA’s Answer in this case.

3. Deny that BSA was “responsible for the Cross Claimant’s activities on October 11, 2104,” and deny Michelson is entitled to indemnification by BSA.

WHEREFORE, having answered Michelson’s Cross Claim, BSA requests as follows:

1. Michelson be placed upon the special verdict form at trial for an apportionment of fault;

2. Michelson's Cross Claim against BSA be dismissed with prejudice, and upon the merits;

3. BSA be awarded its attorney's fees and costs in defending against Michelson's Cross Claim; and

4. The Court order such other relief as it deems just and proper.

DATED this 4th day of January, 2016.

KIPP AND CHRISTIAN, P.C.

/s/ Michael F. Skolnick

MICHAEL F. SKOLNICK

GARY T. WIGHT

*Attorneys for Defendants Boy Scouts of America
and Trapper Trails Council, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January, 2017 a true and correct copy of the foregoing **DEFENDANTS BOY SCOUTS OF AMERICA'S ANSWER TO DEFENDANT DAVID MICHELSON'S ANSWER** was served by the method indicated below, to the following:

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